

**In the Associate Circuit Court of Jackson County, Missouri
Kansas City**

VELMA BLY,

vs.

DIVERSIFIED CONSULTANTS INC.

Defendants.

Case Number: _____

PETITION

COMES NOW Plaintiff, by and through counsel, and for Plaintiff's causes of action against Defendant states as follows:

1. Plaintiff is a resident of Missouri.
2. Defendant Diversified Consultants Inc. is a Florida Corporation.
3. At all times relevant hereto, Defendant Diversified Consultants Inc. was and is engaged in the business of collecting consumer debts in Missouri.
4. The Court has concurrent jurisdiction over the Fair Debt Collection Practices Act pursuant to 15 USC §1692k(d).

**COUNT I
FAIR DEBT COLLECTION PRACTICES ACT**

COMES NOW Plaintiff Velma Bly, and as for Count I against Defendant Diversified Consultants Inc., states and alleges as follows:

5. Plaintiff incorporates herein the preceding paragraphs as though fully set forth hereunder.

6. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter FDCPA), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

7. Plaintiff is a consumer as defined by 15 USC §1692a(3) of the FDCPA.

8. The principal purpose of Defendant Diversified Consultants Inc. is the collection of consumer debts using the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.

9. Defendant is a debt collector as defined by 15 USC §1692a(3) who uses any instrumentality of interstate commerce or the mails in any business, the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another or by taking of assignment of a debt already declared to be in default by the originating creditor.

10. The Defendant was attempting to collect a consumer debt as defined by 15 USC §1692a(5) as an obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

11. The standard in determining whether the Defendant violated the FDCPA is the unsophisticated consumer standard. *Duffy v. Landberg*, 215 F.3d 871, 873 (8th Cir. 2000).

12. On September 20, 2014, Plaintiff filed a Chapter 7 Bankruptcy in the U.S. Bankruptcy Court for the Western District of Missouri, Case No. 14-43231.

13. Plaintiff's bankruptcy was completed, and Plaintiff's scheduled debts were discharged on January 12, 2015, pursuant to order of the Bankruptcy Court.

14. AT&T was listed as a creditor in the bankruptcy and notified of the bankruptcy.

15. On April 6, 2016, Defendant sent the letter attached hereto as Exhibit A to Plaintiff.

16. Defendant was attempting to collect on a debt allegedly owed to AT&T, which was discharged in the bankruptcy.

17. 15 U.S.C. §1692e, entitled False or Misleading Representations, states that a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.

18. Specifically, Defendant's acts violated the following subsections: (2) the false representation of the character, amount, or legal status of any debt; (5) the threat to take any action that cannot legally be taken or that is not intended to be taken; and (10) the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

19. The above-described acts are misleading to the unsophisticated consumer, and Defendant's acts, as described above, were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

20. Defendant's acts, as described above, were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

21. As a result of the above violations of the stated Act, the Defendant is liable to the Plaintiff for actual damages; statutory damages up to \$1,000.00 pursuant to 15 U.S.C. §1692k; costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for actual damages; statutory damages pursuant to 15 U.S.C. §1692k; costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k; and for such other and further relief as may be just and proper.

Respectfully submitted,
By: /s/ Brian Johnson
Brian Johnson #64938
Michael Rapp #66688
AJ Stecklein # 46663
Stecklein & Rapp Chartered
748 Ann Ave
Kansas City, KS 66101
Telephone: (913) 371-0727
Facsimile: (913) 371-0147
Email: bj@kcconsumerlawyer.com
mr@kcconsumerlawyer.com
aj@kcconsumerlawyer.com
Attorneys for Plaintiff

PO BOX 1391
SOUTHGATE, MI 48195-0391



Div 1616-CV13912c.

877-770-1039

Hours of Operation:

Monday - Thursday 8:00AM ET / 8:00PM PT

Friday 8:00AM - 7:00PM ET / 8:00AM - 7:00PM PT

Saturday 9:00AM - 1:00PM ET / 9:00AM - 1:00PM PT

04/06/16



Velma Bly
7921 E 117th Pl
Kansas City, MO 64134-4030

Original Creditor: AT&T
Current Creditor: AT&T
Agency Reference #: 816
Original Account #: 2221
Current Balance: \$418.42

This Notice is to inform you that your account with AT&T has been referred to our office for collections. Please contact our office to discuss this matter.

Unless you notify this office within 30 days of receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Calls to or from this company may be monitored or recorded.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This communication is from a debt collector.

Sincerely,

Diversified Consultants, Inc.
PO BOX 551268
JACKSONVILLE, FL 32255-1268
877-770-1039

DCI\00108\237185514633

12033\0009458\0049

Detach and Return with Payment

00108

To pay by credit card, please complete the information below:

Check One: ☐ VISA ☐ MasterCard ☐ AMEX ☐ Check

Card Number:

Expiration Date: CCV#: Last 3 digits on back of card

Signature of Cardholder: _____

Cardholder Name: _____

Cardholder Billing Address: _____

Original Creditor: AT&T
Current Creditor: AT&T
Agency Reference #: 816
Original Account #: 2221
Current Balance: \$418.42

Amount Due: \$418.42

Amount Submitted:

\$



DIVERSIFIED CONSULTANTS, INC.
PO BOX 551268
JACKSONVILLE, FL 32255-1268



**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
ASSOCIATE CIRCUIT DIVISION**

VELMA BLY,

Plaintiff,

v.

DIVERSIFIED CONSULTANTS INC.,

Defendant.

Case Number: _____

Division: _____

AFFIDAVIT IN SUPPORT OF SERVICE BY CERTIFIED MAIL

STATE OF KANSAS

)

)

ss.

COUNTY OF WYANDOTTE

)

Brian E. Johnson, of lawful age, being first duly sworn upon his oath, deposes and states that:

1. He is the attorney for the above-named Plaintiff, being licensed to practice in the State of Missouri, having his office at 748 Ann Avenue, Kansas City, Kansas 66101.

2. The Defendant is a foreign corporation with corporate headquarters in Florida.

3. The name and address of the Defendant's registered agent is:


JOHN CRAWFORD
1200 RIVERPLACE BOULEVARD, SUITE 800
JACKSONVILLE, FL 32207

4. Personal service may not be obtained on the Defendant in Jackson County, Missouri.

5. The name and address of the party to be served by certified mail is:

JOHN CRAWFORD
1200 RIVERPLACE BOULEVARD, SUITE 800
JACKSONVILLE, FL 32207

Respectfully submitted,

By: 
Brian L. Johnson
Stecklein & Rapp
748 Ann Avenue
Kansas City, Kansas 66101
Telephone: 913-371-0727
Facsimile: 913-371-0147
Email: bj@KCconsumerlawyer.com
Attorneys for Plaintiff

Subscribed and sworn to before me, a notary public, on June 6, 2016.




Notary Public



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: MARY FRANCES WEIR	Case Number: 1616-CV13912
Plaintiff/Petitioner: VELMA BLY	Plaintiff's/Petitioner's Attorney/Address, or Plaintiff/Petitioner, if pro se: BRIAN E JOHNSON 748 ANN AVENUE KANSAS CITY, KS 66101 (913) 371-0727
vs.	
Defendant/Respondent: DIVERSIFIED CONSULTANTS, INC.	Date, Time, and Location of Court Appearance: 20-JUL-2016, 09:30 AM DIVISION 31 -FLOOR 7M 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: AC Misc Associate Civil-Other	(Date File Stamp)

Associate Summons for Service by Registered or Certified Mail

The State of Missouri to: DIVERSIFIED CONSULTANTS, INC.
Alias:

RA: JOHN CRAWFORD
1200 RIVERPLACE BOULEVARD
SUITE 800
JACKSONVILLE, FL 32207

COURT SEAL OF



JACKSON COUNTY

You are summoned to appear before this Court on the date, time, and location above, to answer the allegation in the petition filed by the above-named Plaintiff/Petitioner, a copy which of which is attached. If you fail to appear at the time and place stated in this summons, judgment by default will be taken against you for the relief demanded in the petition.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

13-JUN-2016
Date Issued

Clerk

Further Information:

Certificate of Mailing

I certify that on 13-JUN-2016 (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent DIVERSIFIED CONSULTANTS, INC. by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

13-JUN-2016

Date

Clerk

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

Date: June 17, 2016

MAIL MAIL:

The following is in response to your June 17, 2016 request for delivery information on your Certified Mail™/RRE item number 92148901066154000087388899. The delivery record shows that this item was delivered on June 17, 2016 at 4:02 pm in JACKSONVILLE, FL 32207. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

1200 RIVERPLACE BLVD STE
800
JACKSONVILLE, FL 32207

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000087388899
1616-CV13912
JOHN CRAWFORD
DIVERSIFIED CONSULTANTS, INC.
1200 RIVERPLACE BLVD STE 800
JACKSONVILLE, FL 32207-1805